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ATTN: BOX ISSUE FEE
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Sim, Gek-Kee
Yang, Shumin
Dreitz, Matthew J.
Wonderling, Ramani S.

Serial No.: 09/451,527

Filed: December 1, 1999

Atty. File No.: IM-2-C2

For: "CANINE IL-13
IMMUNOREGULATORY
PROTEINS AND USES THEREOF"

Group Art Unit: 1636

Examiner: Kaushal, Sumesh

Confirmation No.: 9180

SUBMISSION OF ISSUE FEE

<p align="center">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO BOX ISSUE FEE, COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THIS <u>9</u> DAY OF SEPTEMBER 2002.</p> <p align="center">HESKA CORPORATION</p> <p>By: <u>Susan A. Gordon</u> Susan A. Gordon</p>

BOX ISSUE FEE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Allowance and Issue Fee Due mailed from the U.S. Patent and Trademark Office on June 10, 2002, Applicants respectfully submit the following:

1. Signed Form PTOL-85 (Part B - Fee(s) Transmittal);
2. Request for correction to amended title on Form PTOL-85;
3. Check no. 061581 in the amount of \$664; and
4. Copy of small entity statement previously filed.

Applicants request that the amended title as shown on PTOL-85 (Part B-Fee(s)

Transmittal) be corrected to read:

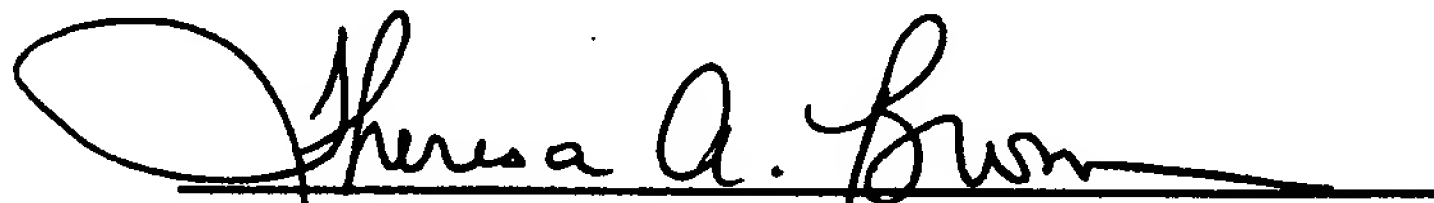
"CANINE IL-13 IMMUNOREGULATORY PROTEINS
AND USES THEREOF"

OK to Enter

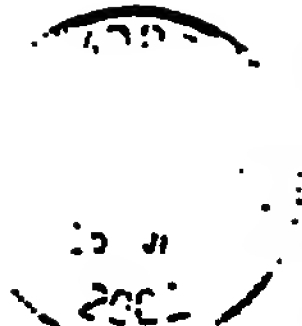
Please find attached Form PTOL-85, Part B - Fee Transmittal. Applicants previously claimed small entity status and have attached a copy of the Verified Statement (Declaration) Claiming Small Entity Status - Small Business Concern, submitted on December 6, 2001. Accordingly, Applicants are submitting herewith check no. 061581 in the amount of \$664, as calculated for a small entity, in payment of the issue fee (\$640) and eight (8) advance order copies (\$24).

Respectfully submitted,

Dated: September 9, 2002



Theresa A. Brown, Esq.
Registration No. 32,547
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525
Telephone: (970) 493-7272
Facsimile: (970) 491-9976



'02 FEB 4 RCV'D

Heska Corporation
Intellectual Property Dept.
1613 Prospect Parkway
Fort Collins, CO 80525

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DATE: December 6, 2001
APPLICANT: Gek-Kee Sim; Shumin Yang; Matthew J
Dreitz; Ramani S. Wonderling
SERIAL NO.: 09/451,527
ATTY. FILE NO.: IM-2-C2
TITLE: "CANINE AND FELINE
IMMUNOREGULATORY PROTEINS,
NUCLEIC ACID MOLECULES, AND USES
THEREOF"



RECEIPT IS HEREBY ACKNOWLEDGED OF: Request
for Extension of Time (two months—to be charged to
Deposit Account); Small Entity Statement; Amendment and
Response; Appendices A through E; deposited with the
U.S. Postal Service as First Class Mail this date.

#17
10/02/02
AGT



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am an official empowered to act on behalf of Heska Corporation of 13 Prospect Parkway, Fort Collins, Colorado 80525, a small business concern.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "CANINE AND FELINE IMMUNOREGULATORY PROTEINS, NUCLEIC ACID MOLECULES, AND USES THEREOF," and identified as Attorney File No. IM-2-C2, described in the specification filed on December 1, 1999, receiving Serial No. 09/451,527.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____


ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: December 6, 2001

By: 

Name: Ronald L. Hendrick

Title: Executive Vice President, Chief
Financial Officer

Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525